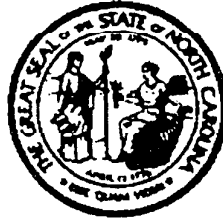


Michael F. Easley, Governor
Buck Lattimore, Chairman
Bernadine S. Ballance, Commissioner
Thomas J. Bolch, Commissioner



Laura K. Mavretic, Commissioner
Renée C. Riggsbee, Commissioner
Christopher Scott, Commissioner
Dianne C. Sellers, Commissioner

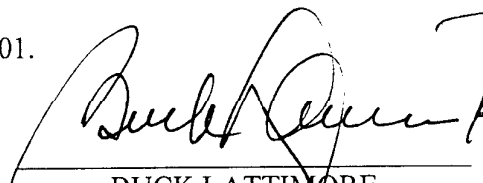
North Carolina Industrial Commission

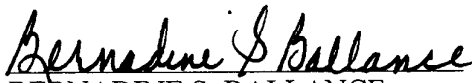
MINUTES
May 15, 2001

PROCEDURES FOR CONTINUOUS HEARING DOCKETS

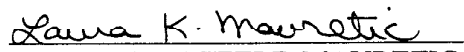
The Industrial Commission hereby adopts the attached Procedures for Continuous Hearing Dockets, providing for hearings before Deputy Commissioners in Raleigh on an expedited basis.

This the 15th day of May, 2001.


BUCK LATTIMORE
CHAIRMAN


BERNADINE S. BALLANCE
COMMISSIONER


THOMAS J. BOLCH
COMMISSIONER


LAURA KRANIFELD MAVRETIC
COMMISSIONER


RENEE C. RIGGSBEE
COMMISSIONER


CHRISTOPHER SCOTT
COMMISSIONER


DIANNE C. SELLERS
COMMISSIONER

NORTH CAROLINA INDUSTRIAL COMMISSION
PROCEDURES FOR CONTINUOUS HEARING DOCKETS

I. Objective

It is the objective of the Industrial Commission to provide the parties to a workers' compensation claim or a State tort claim an expedient resolution of the issues between the parties. Therefore, to the extent practicable, the Commission shall make available a forum for cases to be tried at the convenience of the parties on an expedited basis.

II. Procedure

A. Raleigh Hearing Site Available on a Continuous Basis. The Industrial Commission, during all regular hours of operation, shall be deemed open to the parties of a workers' compensation claim or a State tort claim for a hearing on the merits in any case, subject to the availability of a hearing room and a court reporter.

B. Agreement of the Parties. Cases may be set in Raleigh at the Industrial Commission only upon the request and concurrence of **all** parties to the proceeding. It is not necessary that any special circumstances exist for the request or that an expedited hearing is needed in the particular case.

C. Agreement of Deputy Required. If a case is currently scheduled before a Deputy Commissioner, the parties must obtain the concurrence of that Deputy Commissioner for the change of venue to Raleigh.

D. Filing of the Request for *Designation of Raleigh Venue*. The request for *Designation of Raleigh Venue* shall be filed with the Dockets Section of the Industrial Commission and should contain the following information:

1. A statement that a Form 33 Request for Hearing has been filed or is being simultaneously filed. If the *Designation of Raleigh Venue* is filed with the Form 33, the *Designation* request should be filed as a separate document and may be in the form of a letter or motion;

2. A statement that mediation has already been completed or that a request for excusal from mediation is included with the Form 33;

3. A statement by the party initiating the *Designation* request that all parties join in the request for hearing;

4. A list of suggested dates for scheduling the hearing, which have been agreed upon by the parties as dates on which counsel, parties and any witnesses to be called at hearing are available;

5. Certification that all parties are ready for hearing, the names of all witnesses and whether those witnesses are available to attend the hearing or if approval will be sought from the Deputy Commissioner who hears the case to depose the lay witnesses after the hearing;

6. Certification that pre-hearing discovery (excluding medical depositions) has been completed and that all medical reports have been assembled and exchanged by the parties;

7. Statement as to whether or not a Pre-Trial Agreement has previously been filed or the date by which a Pre-Trial Agreement will be filed by the parties prior to the hearing, said date to be not less than 10 days before the date of the hearing;

8. Statement as to the anticipated length of the hearing; and

9. Any other information that the parties deem pertinent to the request for *Designation of Raleigh Venue*.

E. Service of Request for *Designation of Raleigh Venue*. The *Designation* shall be served on all other parties in the case.

F. Decision to Grant Raleigh Hearing. The decision to change venue to Raleigh shall be in the discretion of the Chief Deputy Commissioner or that person's designee.

G. Scheduling Hearing. The Chief Deputy Commissioner shall notify all parties whether or not the request is granted and the date, time and location of the hearing. Notice shall be by order, and no formal calendar shall be published. The order is deemed to be the docket notice. Whenever feasible, a date suggested by the parties shall be selected. If a date suggested by the parties is not feasible, the Chief Deputy Commissioner or his designee shall consult with the parties to select alternative dates for the hearing. The hearing shall be scheduled before a Deputy Commissioner chosen by a method devised by the Chief Deputy Commissioner and approved by the Commission.

H. Method of Service. Service of the *Designation of Raleigh Venue* and the order for the hearing issued by the Industrial Commission may be by mail, facsimile transmission or email.